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AMERICA AND GREAT BRITAIN.—The arguments of the opposition in this country and those of the ministerialists in Great Britain, cast a most ludicrous complexion over the politics of both. On this side of the Atlantic we have been entertained for a long time with the story that our embargo act was a measure which sprung immediately from the influence of French councils in our cabinet, and that Great Britain, against whom it was particularly directed, would inevitably view it as a hostile step, and let loose upon us the lion and the unicorn. By the debates in the British parliament, which have been received since the news of the embargo reached England, quite a different aspect is given to the affair. The British ministry are obliged to appeal to that embargo, in order to bear them out in their justification for issuing the late violent and unprecedented orders of council, which, considered in any single point of view, are the most atrocious executive acts that G. Britain has ever attempted to enforce against this country since the origin of our revolutionary war.

But although the British ministerialists have thus converted the embargo to their own vindicatory purposes, and thereby covered the Randolphs, and Pickerings, and the whole minor tribe of clamorists with confusion—and I would say shame, if it were possible for such men to feel shame—that measure, which our government took to secure American seamen and property, does not afford any foundation in truth for the application the British ministry have made of it: For we must, in the first place, consider, that when the king in council issued those orders, they knew nothing about an embargo in America; and that in England the first notion of an embargo in the U. States originated in the apprehension among the merchants of London and Liverpool, that those orders would occasion the government of this country to resort to such a measure in their own defence and for their own security. And with respect to the embargo act being a justification of the orders in question, or a proof that the government of America would not be offended at their operation, it is a miserable idea, bottomed on a conceit distinct from all considerations of our neutrality and independence.

The friends of the American administration have often dwelt with pleasure and congratulation on the foresight and sagacity of the president, in recommending an embargo at that very moment when it would be most effectual as a measure of security against those outrageous decrees and orders, which have since been issued by France and Great-Britain. So that, in sincerity, the embargo may be really considered as an act adopted in consequence of what has resulted on the part of the belligerent powers; the only difference being, that our government took the step *in advance*, which they would have inevitably taken *after the fact*; a difference which creates no other distinction in the case than that, in the course things have taken, our president's conduct is marked by a penetration allied to prophecy; whereas, had he slumbered till after the orders had been promulgated and acted upon,

he would have been set down for a statesman of John Randolph's or Timothy Pickering's grade of understanding.

In this point of view, and it is certainly a very just one, the arguments of the British anti-ministerialists in parliament against those orders, in our favor, are strong and impressive. Great Britain can neither shelter herself under the plea of retaliation against France, the policy of the measures, nor under any general bad conduct on the part of neutrals. It is, however, necessary, in order to obtain a fair view of the case, to go a little further back than the French decree of Berlin, Nov. 21, 1806; and to recur for a moment to those various acts of the British government hostile to neutral nations, which being contrary to the laws and customs established and admitted by civilized states, gave the pretext to France for issuing that decree, and some color of propriety in acting upon it.

But before I enter on this exposition, I deem it proper to lay before my readers the treaty concluded at London by Messrs. Monroe and Pinkney, and which was returned by the president; so that the facts and reasoning which I shall collect and adduce on the subject may serve more particularly to explain the justice of our claims on the British government, the inadequacy of the rejected treaty to secure our rights for the future, and generally to demonstrate that there has been a settled design on the part of Great Britain, ever since the war of 1793, to concentrate the whole commerce of the world in herself, and particularly to obstruct that of America. An authentic copy of the treaty follows:

*Treaty of Amity, Commerce, and Navigation, between his Britannic majesty and the United States of America.*

His Britannic majesty and the United States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the United Kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation between their respective countries, territories, and people, on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a treaty of amity, navigation and commerce; that is to say, his Britannic majesty has named for his plenipotentaries Henry Richard Vassall, (lord Holland,) one of his majesty's privy council and lord keeper of his majesty's privy seal, and William lord Auckland, one of his majesty's privy council and president of the committee of council for all matters of trade and foreign plantations. And the president of the U. States, by and with the advice of the senate thereof, hath appointed for their plenipotentiaries, James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following articles.

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns

and people, of every degree, without exception of persons or places.

ARTICLE II.

It is agreed that the several articles of the treaty of amity, commerce and navigation between his majesty and the United States, made at London on the 19th day of November one thousand seven hundred and ninety-four, which have not expired, nor, as yet, had their full operation and effect, shall be confirmed in their best form, and in their full tenor; and that the contracting parties will also, from time to time, enter into friendly explanations on the subject of the said articles, for the purpose of removing all such doubts as may arise or have arisen, as to the true import of the same, as well as for the purpose of rendering the said articles more conformable to their mutual wishes and convenience.

ARTICLE III.

His majesty agrees, that the vessels belonging to the U. States of America, and sailing direct from the ports of the said states, shall be admitted and hospitably received in all the sea ports and harbors of the British dominions in the East Indies: and that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation.

It is also understood, that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgressions should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories,

or if they should be permitted in manner aforesaid to go to any other place therein, shall always be subject to the laws, government and jurisdiction, of whatever nature, established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may, from time to time, establish there.

ARTICLE IV.

There shall be between all the dominions of his majesty in Europe and the territories of the U. States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time; also to hire and possess houses and warehouses for the purposes of their commerce; and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

ARTICLE V.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture, of any other foreign country.

Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations. But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe a tonnage duty equal to that which shall at any time be payable by British vessels in the ports of America, and the government of the United States reserves to itself a right of imposing on British vessels, entering into the ports of the United States, a tonnage duty equal to that which shall at any time be payable by American vessels in the British ports in Europe.

It is agreed that in the trade of the two countries with each other, the same duties of exportation and importation on all goods and merchandize; and also the same drawbacks and bounties shall be paid and allowed in either country, whether such importation or exportation shall be in British or American vessels.

ARTICLE VI.

The high contracting parties not having been able to arrange at present by treaty any commercial intercourse between the territories of the United States and his majesty's islands and ports in the West Indies, agree that until that subject shall be regulated in a satisfactory manner, each of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

ARTICLE VII.

It shall be free for the two con-

tracting parties respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But, before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent. And it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other the reasons for the same.

Either of the parties may except from the residence of consuls such particular places as such party shall judge proper to be so excepted.

ARTICLE VIII.

It is agreed, that in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or if carrying to the enemy any of the articles which are contraband of war, or for other lawful cause, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy, or is otherwise confiscable, shall be made prize, and the vessel, unless by law subject to condemnation shall be at liberty to proceed with the remainder of the cargo, without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

It is also agreed, that in all cases of unfounded detention or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the cost and charges of the trial.

ARTICLE IX.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, grenadoes, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberts, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war, as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron and fir planks; and also with the exception of tar and pitch when not going to a port of naval equipment, in which case they shall be entitled to pre-emption) whatever may serve directly to the equipment of vessels; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. But no vessel shall be detained on pretence of carrying contraband of war, unless some of the above mentioned articles, not excepted, are found on board of the said vessel at the time it is searched.

ARTICLE X.

Whereas in consideration of the

distance and of other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo if not contraband, be confiscated, unless after such notice she shall again attempt to enter. But she shall be permitted to go to any other port or place she may think proper: Nor shall any vessel, or goods of either party, that may have entered into such port or place before the same was besieged, blockaded or invested by the other and be found therein after the reduction or surrender of such place; be liable to confiscation; but shall be restored to the owners or proprietors thereof.

Neither of the parties, when at war, shall, during the continuance of the treaty, take from on board the vessels of the other, the subjects of the opposite belligerent unless they be in the actual employment of such belligerent.

ARTICLE XI.

Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruizers in regard thereto, it is agreed that during the present hostilities all articles of the growth, produce and manufacture of Europe, not being contraband of war, may be freely carried from the United States, to the port of any colony not blockaded belonging to his majesty's enemies. Provided such goods shall previously have been entered and landed in the United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawbacks remain subject to a duty equivalent to no less than one per cent. ad valorem, and that the said goods and the vessels conveying the same shall from the time of their clearance from the American port be bona fide the property of citizens and inhabitants of the United States; and in like manner that all articles, not being contraband of war, and being the growth and produce of the enemy's colonies, may be brought to the United States, and after having been there landed, may be freely carried from thence to every part of Europe, not blockaded, provided such goods shall previously have been entered and landed in the said United States and shall have paid the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than two per cent. ad valorem; and provided that the said goods and the vessels conveying the same be bona fide the property of citizens and inhabitants of the United States.

Provided always, that this article or any thing therein contained, shall not operate to the prejudice of any right belonging to either party, but that after the expiration of the time limited for the article, the rights on both sides shall revive and be in full force.

ARTICLE XII.

And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties on the coasts of their respective possessions in North America, on account of peculiar circumstances belonging to those coasts,

it is agreed that in all cases where one of the said high contracting parties shall be engaged in war, and the other shall be at peace, the belligerent power shall not stop, except for the purpose hereafter mentioned, the vessels of the neutral power, or the unarmed vessels of other nations within five marine miles from the shore belonging to the said neutral power on the American seas.

Provided that the said stipulations shall not take effect in favor of the ships of any nation or nations which shall not have agreed to respect the limit aforesaid as the line of maritime jurisdiction of the said neutral state. And it is further stipulated that if either of the high contracting parties shall be at war with any nation or nations which shall not have agreed to respect the said special limit or line of maratime jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot or three marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong. And with respect to the ships and property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this article did not exist; and the several provisions stipulated by this article shall have full power and effect only during the continuance of the present treaty.

ARTICLE XIII.

With respect to the searching of merchant ships, the commanders of ships of war and privateers shall conduct themselves as favorably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter, observing as much as possible the acknowledged principles and rules of the law of nations. And for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling; if such ship be provided with above one hundred and fifty seamen, or soldiers, in the sum of four thousand pounds sterling. to satisfy all damages and injuries, which the said privateers or officers, or men, or any of them, may do or commit during their cruizes contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods,

or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XIV.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes, taken by them and brought into the ports of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or the factors or agents duly deputed and authorized in writing by them (proper evidence being shewn in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

ARTICLE XV.

It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party, nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in the military service any of the subjects or citizens of the other party: And the laws against all such offences and aggressions shall be punctually executed; and if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ARTICLE XVI.

It is expressly stipulated that neither of the said contracting parties will order or authorise any acts of reprisal against the other on complaints of injuries and damages until the said party shall first have presented to the other a statement thereof, ratified by competent proof and evidence; and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XVII.

The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree that in case any vessel of the one should by stress of weather, danger from enemies or other misfortunes be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the sa-

tisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place having respect to the circumstances of each case shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted: Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ARTICLE XVIII.

It shall not be lawful for any foreign privateers, (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ARTICLE XIX.

It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fees to the offices of the admiralty, or to any judges whatever, nor shall the said prizes when they arrive at and enter the ports of the said parties, be detained or seized; nor shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the places mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible: Nothing in this treaty contained shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states: But the two parties agree that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast nor within the jurisdiction described in Article XII, so long as the provisions of the said article shall be in force, by ships of war or other having commissions from any prince, republic, or state whatever. But in case it should so happen, the party, whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war, or merchant vessels.

ARTICLE XX.

If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they do it peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist, while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good understanding.

ARTICLE XXI.

It is further agreed that his majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

ARTICLE XXII.

In the event of a ship wreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea, shall not be concealed or detained, nor damaged under any pretext whatever: On the contrary the abovementioned effects and merchandize shall be preserved, and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels, and effects.

ARTICLE XXIII.

And it being the intention of the high contracting parties that the people of their respective dominions shall continue to be on the footing of the most favoured nation, it is agreed, that in case either party shall hereafter grant any additional advantages, in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate therein.

ARTICLE XXIV.

The high contracting parties engage to communicate to each other without delay, all such laws as have been or shall be hereafter enacted by

their respective legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they further agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

ARTICLE XXV.

And it is further agreed that nothing herein contained shall contravene or affect the due execution of any treaty or treaties now actually subsisting between either of the high contracting parties and any other power or powers.

ARTICLE XXVI.

This treaty when the same shall have been ratified by his majesty and by the president of the United States with the advice of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states for ten years, from the date of the exchange of the said ratifications, and shall be reciprocally executed and observed, with punctuality and the most sincere regard to good faith.

In faith whereof we, the undersigned plenipotentiaries on the part of his majesty the king of Great Britain, and the commissioners extraordinary and plenipotentiaries, on the part of the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms. Done at London, this thirty-first day of Dec. one thousand eight hundred and six.

[*Seal*] (Signed) VASSALL HOLLAND,
[*Seal*] (Signed) AUCKLAND,
[*Seal*] (Signed) JAMES MONROE,
[*Seal*] (Signed) WILLIAM PINKNEY.

*The following is the official Note delivered by lords Holland and Auckland to the American Ministers previously to signing the treaty.*

The undersigned Henry Richard Vassall lord Holland, and William lord Auckland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiary of the United States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time they have it in command from his majesty to call the attention of the commissioners of the United States to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his majesty's government thereupon.

The proceedings alluded to are certain declarations and orders of the French government issued at Berlin on the 21st of November last.

In those orders the French government seeks to justify or palliate its own unjust pretensions by imputing to Great Britain principles which she never professed, and practices which never existed. His majesty is accused of a systematic and general disregard of the law of nations recognized by civilized states, and more particularly of an unwarrantable extension of the right of blockade; whereas his majesty may confidently appeal to the world on his uniform respect for neutral rights, and his general and scrupulous adherence to the law of nations without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious

that he has never declared any ports to be in a state of blockade without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.

By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating as lawful prize all produce of English industry or manufacture, though it be the property of neutrals; of excluding from his harbors every neutral vessel which has touched at any port of his majesty's dominions though employed in an innocent commerce, and of declaring Great Britain to be in a state of blockade, though his own naval ports and arsenals are actually blockaded, and he is unable to station any naval force whatever before any port of the United Kingdom.

Such principles are in themselves extravagant and repugnant to the law of nations; and the pretensions founded on them, though professedly directed solely against Great Britain, tend to alter the practice of war amongst civilized nations, and utterly to subvert the rights and independence of neutral powers.

The undersigned cannot therefore believe that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious incroachments on its interest.

If however the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present treaty without an explanation from the U. States of their intention, or a reservation on the part of his majesty, in the case abovementioned, if it should occur.

The undersigned considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorized by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations on the established system of maritime law: And the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandoment of the pretensions on the part of the enemy, or such assurances, or such conduct on the part of the U. States, his majesty will not consider himself

bound by the present signature of his commissioners, to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

The undersigned cannot conclude without expressing their satisfaction at the prospect of accomplishing an object so important to the interests and friendly connections of both nations, and their just sense of the conciliatory disposition manifested by the commissioners of the United States during the whole course of the negociation.

Signed,

VASSALL HOLLAND,
AUCKLAND.

*London, Dec.* 31, 1806.

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MR. ROSE AND THE CHESAPEAKE. The correspondence between the American secretary of state and the British envoy extraordinary is now before the public. The people of America will judge of the manner in which their government has conducted itself in regard to that daring outrage on a national frigate. I think I know the sentiments of my countrymen sufficiently well to declare that their voice will be loud in praise of the course the administration has taken. They have received a *blow* by that outrage which nothing can efface but unconditional atonement. Too independent for submission, too proud to court humiliation, they will never repine at the rupture of a negociation, which could not have been successful without disgrace and without infamy.

It is in vain that we cast our eyes to Europe for assurances of satisfaction and of peace. An oligarchy like that of Great Britain, corrupted to the very marrow, stimulated to derangement by overweening vanity, in which the democracy is trodden under feet and the king is a mere statue, is not calculated to afford stability to any state of things of which justice is the living principle. Ministry after ministry course one another at the heels, and one evil set are hunted down merely to make room for another. The honesty of the people which can alone correct the faults of a government is neutralized by oppression, and royalty itself is ruled into obedience by combinations of nobles and commons, panting for power and thirsting for pecuniary gain. To such men every thing but their own importance and their own places is utterly insignificant.—Robbing a nation of her navy or paring neutral commerce down to the core, is with them a trifle unworthy of a moment's deliberation. It was not without cause that the honest Burgh exclaims, in the preface to his valuable work, "Ever since I have "been of age to distinguish be- "tween good and evil, I have observ- "ed, that, in this blessed country of "ours, the men in power have pur- "sued one uniform track of taxing "and corrupting the people, and in- "creasing court influence in parlia- "ment, while the pretended patriots "have exclaimed against those mea- "sures, at least till themselves got "into power, and had the opportuni- "ty of carrying on the same plan of "government; which they seldom "failed to do; while the constitution "was drawing nearer to its ruin, and "our country lay bleeding."

So degraded are the people of Great Britain, in truth, that they have no weight in the political councils of that nation. Could they be distinctly heard; were the great mass of her population permitted to speak out,

we should have another tale to tell: Humphreys would have been disgraced at least, if not shot; the mariners seized on board the Chesapeake been restored, and full and honorable reparation made to a republic, whose industry and enterprize had invariably added to the wealth and greatness of the English. Speaking of the rulers of Britain in Charles the second's time, Rumbald said "He did not imagine the Almighty intended that "the greatest part of mankind should "come into the world with saddles "on their backs, and bridles in their "mouths; and a *few* ready booted "and spurred to ride the rest to "death." If he had lived at this day, he might almost have changed his opinion; for the people of that country are not only oppressed, but their proud lords disdain even to consult their natural feelings, or to calculate, in any measure which concerns them, whether they are able to bear it or not.

Let the English ministry continue the experiment for one year longer, and let her drive from the ocean (supposing that possible) every merchant ship but those which belong to her: She only concurs in her own ruin. Nations like individuals are dependent one upon the other; and shut out from society and intercourse, they sink into insignificance and dwindle into poverty. Her fleets ploughing an ocean no longer teeming with ships and merchandize, may proudly exult in their fatal superiority; but like a giant traversing the ruins of Palmyra, they will find nothing to cope with and nothing to cheer them. One wild melancholy waste will present itself to their view, and convict them of being barbarians laboring for the destruction of the world's prosperity for their own aggrandizement.

With regard to the United States, the policy of Britain has been foul and faithless. Her ministry have received our complaints with the smile of deceit, and regarded the murder of our citizens with perfidious sorrow. Always ready to profess her willingness to do us justice, she has never done so. Even when she has extended the right hand of fellowship to us, and we had hastened with eagerness to grasp it, she has dexterously withdrawn it and smiled at our fond credulity. The letter of Mr. Madison to Mr. Rose, exhibits so clear a view of our wrongs, that there is no longer a pretext left for doubt; and the reply of the envoy is conclusive evidence of British duplicity. The luminous statement of the American secretary displays the dark and injurious deeds of our adversaries, while the *ultimatum* of Mr. Rose is a soft-toned *Miserere* to the guilt of Britain.

For an instant, permit me to review the conduct of the British ministry, as exhibited by Mr. Rose.

He is dispatched to make atonement; to offer reparation for our injured honor. He declares, in the first instance, he cannot enter into discussion, without the Chesapeake is separated from all other considerations. In this particular he is gratified. He next proclaims that the president's proclamation must be recalled. Here our government stopped. It was natural they should enquire for what purpose this demand was made; to what consequences it led? The British envoy had not stated what satisfaction he would offer; or whether he would be even satisfied with a revocation of that act. He might have gone on to require a repeal of the non-importation law; and after persuading us into these weak measures, have turned on his heel, shaken the

dust from his feet, pronounced our administration pusillanimous, and departed from our shores. What security had we that after every concession on our part he would have made reparation at all? Were we to rely on the promise of Britain? Were we to confide in the faith of her envoy?—Her diplomatic history too well informs us of her treachery to induce any reliance on her professions.

But the proclamation must be revoked. And wherefore was our government to play so puerile a part? That proclamation had been rendered necessary by other acts than the outrage on the Chesapeake: It had become requisite to make the regulations which it ordains in order to save our harbors from pollution by the detestable acts of British ships of war. The bloody deed of Whitby, the insolence of Love, no less than the abominable proceeding of Humphreys, called loudly for a decisive step on our part to preserve the purity of our waters and the neutrality of our jurisdiction. And this proclamation must be recalled! We must *kneel* to receive even a common reparation acknowledged to be due. The *blow* which we had sustained was to be more deeply reddened before it was obliterated. We were told that reparation was *offered*; but we were never informed what that reparation was to be; it was not visible, nor tangible, nor audible; we could neither see it, nor touch it, nor hear it. But it was *offered! When* was it offered? *Where* was it offered. *How* was it offered? *Offered!* No! It was *refused.* What did the British envoy propose? I come, said he, to *offer* you reparation: But his offer was in his words alone, and *required a previous concession on our part.* He could not be misunderstood: What would he himself have thought of us if we had been servile enough to accept his proposition? And what would the world have said if we had been the dupe of an atonement preceded by disgrace, or the victims of a reparation marked by infamy?

The case is decided. We must no longer look to Europe for redress, nor to the prattling of her wrangling politicians for a fortunate issue to our cause. In our own energy, in our own patience, in our own courage, we must seek for redress and for preservation. We must do that from virtuous conviction which the subjects of despots do from compulsion. We must bear the inevitable ills of our condition with manliness and resignation; a condition to which we have been reduced by the vices and crimes of foreign powers. The man that flinches now, is a coward. The person that repines at the cheerless blank before us, is the disciple of avarice, and deserves to be a slave; or is the creature of a moping melancholy, and commands our pity. We owe to Heaven adoration, and to our country constancy and firmness in the time of adversity and danger. The duty of every citizen is plain to his view; and the path which leads to it direct and obvious as a sun-beam. Before us is the temple of glory or the tomb of everlasting honor: Behind us the gloomy abode of humiliation and perpetual disgrace. Let us, then, stand firm at our posts. If we are not successful, we shall at least not be degraded and despised.

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AN APOLOGY DIRECT.—I owe it to the honorable Timothy Pickering to correct a mistake which I committed in my commentary on his most edifying letter to Governor Sullivan.

I might well be suspected of more than common enmity to him and to his cause if I did not do so. I would have that gentleman to understand, that I am as incapable of misrepresenting his character as I am of imbibing his political principles. It is therefore I declare, and with deep sorrow and penitent contrition I confess it, that I was eggregiously mistaken in asserting that the honorable senator was a "disciplinarian." I am credibly informed, except in the article of arranging waggons, colonel Pickering had nothing of a soldier about him but the name; and that although he made dreadful havoc among the provisions for the army, he is guildless of the slaughter of a single foe, or of arraying for battle a solitary battalion.

He has written, I observe, a second letter to Governor Sullivan, brimful of impertinent politeness: He declares that he *will* hold correspondence with his excellency, whenever he pleases. Such obstinacy will yield to nothing but the Wyoming remedy, in which an ox-chain is substituted for argument. Most noble senator, I kiss your hand; and *a l'Espagnole*, I pray you may live a thousand years for the *divertissement* of this nation.

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"ANOTHER LETTER, *Sir*," said Jeremiah Didler, Esq. when he wanted to borrow half a crown from a stranger. Mr. *Ely*, of the House of Representatives of the United States has addressed a long epistle to one of his constituents in Massachusetts, perfectly in the style of Timothy Pickering. Whether it will be printed in a pamphlet or not I cannot tell; but it assuredly deserves that mark of distinction as much as the honorable senator's. For my own part I acknowledge it has made on my mind a very serious impression. It has more strongly confirmed me in my opinion that every friend to this country ought at this moment to adhere most firmly to the administration; for at what time can it be more requisite to stand up for the honor and dignity of the nation, than when members of congress turn scribblers of scandal and propagators of despicable calumnies, in order to dishonor the people?

Mr. Ely's letter is a complete farrago of obsolete conceits—crumbs picked up from the leavings of others, and scattered abroad for envy, malice, and all uncharitableness, to devour. And although he tells us that his intelligence consists rather of what he does *not* know than of what he *does* know, yet there is no want of inclination in him to give to his conjectures the solemnity of fact. When Falstaff makes love we all laugh: And why should we not smile when Mr. Ely courts popularity by all the miserable arts of a political Jack-pudding? It is the subject on which he writes, and not the man that induces us to refrain. Judging of him by his letter, I would not hesitate to say that he handles a *goose* better than a *goose quill*, and is more skilled in *pies* than in *politics*. If the people of Massachusetts understood their own interests properly, and a majority I know do, they would not give an ounce of *Bacon* for all the contents of the *Bluff Head* of Mr. Ely.

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distance and of other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo if not contraband, be confiscated, unless after such notice she shall again attempt to enter. But she shall be permitted to go to any other port or place she may think proper: Nor shall any vessel, or goods of either party, that may have entered into such port or place before the same was besieged, blockaded or invested by the other and be found therein after the reduction or surrender of such place; be liable to confiscation; but shall be restored to the owners or proprietors thereof.

Neither of the parties, when at war, shall, during the continuance of the treaty, take from on board the vessels of the other, the subjects of the opposite belligerent unless they be in the actual employment of such belligerent.

ARTICLE XI.

Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruizers in regard thereto, it is agreed that during the present hostilities all articles of the growth, produce and manufacture of Europe, not being contraband of war, may be freely carried from the United States, to the port of any colony not blockaded belonging to his majesty's enemies. Provided such goods shall previously have been entered and landed in the United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawbacks remain subject to a duty equivalent to no less than one per cent. ad valorem, and that the said goods and the vessels conveying the same shall from the time of their clearance from the American port be bona fide the property of citizens and inhabitants of the United States; and in like manner that all articles, not being contraband of war, and being the growth and produce of the enemy's colonies, may be brought to the United States, and after having been there landed, may be freely carried from thence to every part of Europe, not blockaded, provided such goods shall previously have been entered and landed in the said United States and shall have paid the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than two per cent. ad valorem; and provided that the said goods and the vessels conveying the same be bona fide the property of citizens and inhabitants of the United States.

Provided always, that this article or any thing therein contained, shall not operate to the prejudice of any right belonging to either party, but that after the expiration of the time limited for the article, the rights on both sides shall revive and be in full force.

ARTICLE XII.

And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties on the coasts of their respective possessions in North America, on account of peculiar circumstances belonging to those coasts,

it is agreed that in all cases where one of the said high contracting parties shall be engaged in war, and the other shall be at peace, the belligerent power shall not stop, except for the purpose hereafter mentioned, the vessels of the neutral power, or the unarmed vessels of other nations within five marine miles from the shore belonging to the said neutral power on the American seas.

Provided that the said stipulations shall not take effect in favor of the ships of any nation or nations which shall not have agreed to respect the limit aforesaid as the line of maritime jurisdiction of the said neutral state. And it is further stipulated that if either of the high contracting parties shall be at war with any nation or nations which shall not have agreed to respect the said special limit or line of maratime jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot or three marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong. And with respect to the ships and property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this article did not exist; and the several provisions stipulated by this article shall have full power and effect only during the continuance of the present treaty.

ARTICLE XIII.

With respect to the searching of merchant ships, the commanders of ships of war and privateers shall conduct themselves as favorably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter, observing as much as possible the acknowledged principles and rules of the law of nations. And for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling; if such ship be provided with above one hundred and fifty seamen, or soldiers, in the sum of four thousand pounds sterling, to satisfy all damages and injuries, which the said privateers or officers, or men, or any of them, may do or commit during their cruizes contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods,

or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XIV.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes, taken by them and brought into the ports of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or the factors or agents duly deputed and authorized in writing by them (proper evidence being shewn in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

ARTICLE XV.

It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party, nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in the military service any of the subjects or citizens of the other party: And the laws against all such offences and aggressions shall be punctually executed; and if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ARTICLE XVI.

It is expressly stipulated that neither of the said contracting parties will order or authorise any acts of reprisal against the other on complaints of injuries and damages until the said party shall first have presented to the other a statement thereof, ratified by competent proof and evidence; and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XVII.

The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree that in case any vessel of the one should by stress of weather, danger from enemies or other misfortunes be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the sa-

tisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place having respect to the circumstances of each case shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted: Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ARTICLE XVIII.

It shall not be lawful for any foreign privateers, (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ARTICLE XIX.

It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fees to the offices of the admiralty, or to any judges whatever, nor shall the said prizes when they arrive at and enter the ports of the said parties, be detained or seized; nor shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the places mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible: Nothing in this treaty contained shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states: But the two parties agree that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon-shot of the coast nor within the jurisdiction described in Article XII, so long as the provisions of the said article shall be in force, by ships of war or other having commissions from any prince, republic, or state whatever. But in case it should so happen, the party, whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war, or merchant vessels.

ARTICLE XX.

If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they do it peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist, while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good understanding.

ARTICLE XXI.

It is further agreed that his majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

ARTICLE XXII.

In the event of a ship wreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea, shall not be concealed or detained, nor damaged under any pretext whatever: On the contrary the abovementioned effects and merchandize shall be preserved, and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels, and effects.

ARTICLE XXIII.

And it being the intention of the high contracting parties that the people of their respective dominions shall continue to be on the footing of the most favoured nation, it is agreed, that in case either party shall hereafter grant any additional advantages, in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate therein.

ARTICLE XXIV.

The high contracting parties engage to communicate to each other without delay, all such laws as have been or shall be hereafter enacted by

their respective legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they further agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

ARTICLE XXV.

And it is further agreed that nothing herein contained shall contravene or affect the due execution of any treaty or treaties now actually subsisting between either of the high contracting parties and any other power or powers.

ARTICLE XXVI.

This treaty when the same shall have been ratified by his majesty and by the president of the United States with the advice of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states for ten years, from the date of the exchange of the said ratifications, and shall be reciprocally executed and observed, with punctuality and the most sincere regard to good faith.

In faith whereof we, the undersigned plenipotentiaries on the part of his majesty the king of Great Britain, and the commissioners extraordinary and plenipotentiaries, on the part of the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms. Done at London, this thirty-first day of Dec. one thousand eight hundred and six.

[*Seal*] (Signed) VASSALL HOLLAND,
[*Seal*] (Signed) AUCKLAND,
[*Seal*] (Signed) JAMES MONROE,
[*Seal*] (Signed) WILLIAM PINKNEY.

*The following is the official Note delivered by lords Holland and Auckland to the American Ministers previously to signing the treaty.*

The undersigned Henry Richard Vassall lord Holland, and William lord Auckland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiary of the United States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time they have it in command from his majesty to call the attention of the commissioners of the United States to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his majesty's government thereupon.

The proceedings alluded to are certain declarations and orders of the French government issued at Berlin on the 21st of November last.

In those orders the French government seeks to justify or palliate its own unjust pretensions by imputing to Great Britain principles which she never professed, and practices which never existed. His majesty is accused of a systematic and general disregard of the law of nations recognized by civilized states, and more particularly of an unwarrantable extension of the right of blockade; whereas his majesty may confidently appeal to the world on his uniform respect for neutral rights, and his general and scrupulous adherence to the law of nations without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious-

that he has never declared any ports to be in a state of blockade without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.

By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating as lawful prize all produce of English industry or manufacture, though it be the property of neutrals; of excluding from his harbors every neutral vessel which has touched at any port of his majesty's dominions though employed in an innocent commerce, and of declaring Great Britain to be in a state of blockade, though his own naval ports and arsenals are actually blockaded, and he is unable to station any naval force whatever before any port of the United Kingdom.

Such principles are in themselves extravagant and repugnant to the law of nations; and the pretensions founded on them, though professedly directed solely against Great Britain, tend to alter the practice of war amongst civilized nations, and utterly to subvert the rights and independence of neutral powers.

The undersigned cannot therefore believe that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious incroachments on its interest.

If however the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present treaty without an explanation from the U. States of their intention, or a reservation on the part of his majesty, in the case abovementioned, if it should occur.

The undersigned considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorized by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations on the established system of maritime law: And the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandonment of the pretensions on the part of the enemy, or such assurances, or such conduct on the part of the U. States, his majesty will not consider himself

bound by the present signature of his commissioners, to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

The undersigned cannot conclude without expressing their satisfaction at the prospect of accomplishing an object so important to the interests and friendly connections of both nations, and their just sense of the conciliatory disposition manifested by the commissioners of the United States during the whole course of the negociation.

Signed,

VASSALL HOLLAND,
AUCKLAND.

*London, Dec.* 31, 1806.

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MR. ROSE AND THE CHESAPEAKE. The correspondence between the American secretary of state and the British envoy extraordinary is now before the public. The people of America will judge of the manner in which their government has conducted itself in regard to that daring outrage on a national frigate. I think I know the sentiments of my countrymen sufficiently well to declare that their voice will be loud in praise of the course the administration has taken. They have received a *blow* by that outrage which nothing can efface but unconditional atonement. Too independent for submission, too proud to court humiliation, they will never repine at the rupture of a negociation, which could not have been successful without disgrace and without infamy.

It is in vain that we cast our eyes to Europe for assurances of satisfaction and of peace. An oligarchy like that of Great Britain, corrupted to the very marrow, stimulated to derangement by overweening vanity, in which the democracy is trodden under feet and the king is a mere statue, is not calculated to afford stability to any state of things of which justice is the living principle. Ministry after ministry course one another at the heels, and one evil set are hunted down merely to make room for another. The honesty of the people which can alone correct the faults of a government is neutralized by oppression, and royalty itself is ruled into obedience by combinations of nobles and commons, panting for power and thirsting for pecuniary gain. To such men every thing but their own importance and their own places is utterly insignificant.—Robbing a nation of her navy or paring neutral commerce down to the core, is with them a trifle unworthy of a moment's deliberation. It was not without cause that the honest Burgh exclaims, in the preface to his valuable work, "Ever since I have "been of age to distinguish be- "tween good and evil, I have observ- "ed, that, in this blessed country of "ours, the men in power have pur- "sued one uniform track of taxing "and corrupting the people, and in- "creasing court influence in parlia- "ment, while the pretended patriots "have exclaimed against those mea- "sures, at least till themselves got "into power, and had the opportuni- "ty of carrying on the same plan of "government; which they seldom "failed to do; while the constitution "was drawing nearer to its ruin, and "our country lay bleeding."

So degraded are the people of Great Britain, in truth, that they have no weight in the political councils of that nation. Could they be distinctly heard; were the great mass of her population permitted to speak out,

we should have another tale to tell: Humphreys would have been disgraced at least, if not shot; the mariners seized on board the Chesapeake been restored, and full and honorable reparation made to a republic, whose industry and enterprize had invariably added to the wealth and greatness of the English. Speaking of the rulers of Britain in Charles the second's time, Rumbald said "He did not imagine the Almighty intended that "the greatest part of mankind should "come into the world with saddle "on their backs, and bridles in their "mouths; and a *few* ready booted "and spurred to ride the rest to "death." If he had lived at this day, he might almost have changed his opinion, for the people of that country are not only oppressed, but their proud lords disdain even to consult their natural feelings, or to calculate, in any measure which concerns them, whether they are able to bear it or not.

Let the English ministry continue the experiment for one year longer, and let her drive from the ocean (supposing that possible) every merchant ship but those which belong to her: She only concurs in her own ruin. Nations like individuals are dependent one upon the other; and shut out from society and intercourse, they sink into insignificance and dwindle into poverty. Her fleets ploughing an ocean no longer teeming with ships and merchandize, may proudly exult in their fatal superiority; but like a giant traversing the ruins of Palmyra, they will find nothing to cope with and nothing to cheer them. One wild melancholy waste will present itself to their view, and convict them of being barbarians laboring for the destruction of the world's prosperity for their own aggrandizement.

With regard to the United States, the policy of Britain has been foul and faithless. Her ministry have received our complaints with the smile of deceit, and regarded the murder of our citizens with perfidious sorrow. Always ready to profess her willingness to do us justice, she has never done so. Even when she has extended the right hand of fellowship to us, and we had hastened with eagerness to grasp it, she has dexterously withdrawn it and smiled at our fond credulity. The letter of Mr. Madison to Mr. Rose, exhibits so clear a view of our wrongs, that there is no longer a pretext left for doubt; and the reply of the envoy is conclusive evidence of British duplicity. The luminous statement of the American secretary displays the dark and injurious deeds of our adversaries, while the *ultimatum* of Mr. Rose is a soft-toned *Miserere* to the guilt of Britain.

For an instant, permit me to review the conduct of the British ministry, as exhibited by Mr. Rose.

He is dispatched to make atonement, to offer reparation for our injured honor. He declares, in the first instance, he cannot enter into discussion, without the Chesapeake is separated from all other considerations. In this particular he is gratified. He next proclaims that the president's proclamation must be recalled. Here our government stopped. It was natural they should enquire for what purpose this demand was made; to what consequences it led? The British envoy had not stated what satisfaction he would offer; or whether he would be even satisfied with a revocation of that act. He might have gone on to require a repeal of the non-importation law; and after persuading us into these weak measures, have turned on his heel, shaken the

dust from his feet, pronounced our administration pusillanimous, and departed from our shores. What security had we that after every concession on our part he would have made reparation at all? Were we to rely on the promise of Britain? Were we to confide in the faith of her envoy?—Her diplomatic history too well informs us of her treachery to induce any reliance on her professions.

But the proclamation must be revoked. And wherefore was our government to play so puerile a part? That proclamation had been rendered necessary by other acts than the outrage on the Chesapeake: It had become requisite to make the regulations which it ordains in order to save our harbors from pollution by the detestable acts of British ships of war. The bloody deed of Whitby, the insolence of Love, no less than the abominable proceeding of Humphreys, called loudly for a decisive step on our part to preserve the purity of our waters and the neutrality of our jurisdiction. And this proclamation must be recalled! We must *kneel* to receive even a common reparation acknowledged to be due. The *blow* which we had sustained was to be more deeply reddened before it was obliterated. We were told that reparation was *offered;* but we were never informed what that reparation was to be; it was not visible, nor tangible, nor audible; we could neither see it, nor touch it, nor hear it. But it was *offered! When* was it offered? *Where* was it offered. *How* was it offered? *Offered!* No! It was *refused.* What did the British envoy propose? I come, said he, to *offer* you reparation: But his offer was in his words alone, and *required a previous concession on our part.* He could not be misunderstood: What would he himself have thought of us if we had been servile enough to accept his proposition? And what would the world have said if we had been the dupe of an atonement preceded by disgrace, or the victims of a reparation marked by infamy?

The case is decided. We must no longer look to Europe for redress, nor to the prattling of her wrangling politicians for a fortunate issue to our cause. In our own energy, in our own patience, in our own courage, we must seek for redress and for preservation. We must do that from virtuous conviction which the subjects of despots do from compulsion. We must bear the inevitable ills of our condition with manliness and resignation; a condition to which we have been reduced by the vices and crimes of foreign powers. The man that flinches now, is a coward. The person that repines at the cheerless blank before us, is the disciple of avarice, and deserves to be a slave; or is the creature of a moping melancholy, and commands our pity. We owe to Heaven adoration, and to our country constancy and firmness in the time of adversity and danger. The duty of every citizen is plain to his view; and the path which leads to it direct and obvious as a sun-beam. Before us is the temple of glory or the tomb of everlasting honor: Behind us the gloomy abode of humiliation and perpetual disgrace. Let us, then, stand firm at our posts. If we are not successful, we shall at least not be degraded and despised.

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AN APOLOGY DIRECT.—I owe it to the honorable Timothy Pickering to correct a mistake which I committed in my commentary on his most edifying letter to Governor Sullivan.

I might well be suspected of more than common enmity to him and to his cause if I did not do so. I would have that gentleman to understand, that I am as incapable of misrepresenting his character as I am of imbibing his political principles. It is therefore I declare, and with deep sorrow and penitent contrition I confess it, that I was eggregiously mistaken in asserting that the honorable senator was a "disciplinarian." I am credibly informed, except in the article of arranging waggons, colonel Pickering had nothing of a soldier about him but the name; and that although he made dreadful havoc among the provisions for the army, he is guiltless of the slaughter of a single foe, or of arraying for battle a solitary battalion.

He has written, I observe, a second letter to Governor Sullivan, brimful of impertinent politeness: He declares that he *will* hold correspondence with his excellency, whenever he pleases. Such obstinacy will yield to nothing but the Wyoming remedy, in which an ox-chain is substituted for argument. Most noble senator, I kiss your hand; and *a l'Espagnole*, I pray you may live a thousand years for the *divertissement* of this nation.

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"ANOTHER LETTER, *Sir*," said Jeremiah Didler, Esq. when he wanted to borrow half a crown from a stranger. Mr. *Ely*, of the House of Representatives of the United States has addressed a long epistle to one of his constituents in Massachusetts, perfectly in the style of Timothy Pickering. Whether it will be printed in a pamphlet or not I cannot tell; but it assuredly deserves that mark of distinction as much as the honorable senator's. For my own part I acknowledge it has made on my mind a very serious impression. It has more strongly confirmed me in my opinion that every friend to this country ought at this moment to adhere most firmly to the administration; for at what time can it be more requisite to stand up for the honor and dignity of the nation, than when members of congress turn scribblers of scandal and propagators of despicable calumnies, in order to dishonor the people?

Mr. Ely's letter is a complete farrago of obsolete conceits—crumbs picked up from the leavings of others, and scattered abroad for envy, malice, and all uncharitableness, to devour. And although he tells us that his intelligence consists rather of what he does *not* know than of what he *does* know, yet there is no want of inclination in him to give to his conjectures the solemnity of fact. When Falstaff makes love we all laugh: And why should we not smile when Mr. Ely courts popularity by all the miserable arts of a political Jack-pudding? It is the subject on which he writes, and not the man that induces us to refrain. Judging of him by his letter, I would not hesitate to say that he handles a *goose* better than a *goose quill*, and is more skilled in *pies* than in *politics*. If the people of Massachusetts understood their own interests properly, and a majority I know do, they would not give an ounce of *Bacon* for all the contents of the *Bluff Head* of Mr. Ely.

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